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March 3, 2023

## *Via ECF*

The Honorable James L. Cott  
U.S. District Court for the Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

**Re: *Goodman v. Bouzy, et al.*, Case No. 1:21-cv-10878-AT-JLC**

Dear Magistrate Judge Cott:

We represent Defendants Christopher Bouzy, Bot Sentinel Inc., Seth Berlin, and Maxwell Mishkin (together, “Bouzy Defendants”) in the above-captioned matter.

We write to address the deadlines for filing (a) a reply brief in support of the Bouzy Defendants’ motion to dismiss (ECF No. 106), and (b) an opposition to plaintiff’s motion for leave to file a Third Amended Complaint (ECF No. 142), assuming that plaintiff’s latest motion for leave moots his earlier motion for leave to file a Second Amended Complaint (ECF No. 137). In particular, we request a unified deadline to allow us to file one omnibus response, broadly addressing whether plaintiff has or can state a claim against the Bouzy Defendants in this action.

No briefing schedule governs these filings. Before filing his two motions for leave, Plaintiff did not meet-and-confer with counsel for the Bouzy Defendants on a schedule as required under Rule II.C. of Your Honor’s Individual Practices. For our part, the undersigned did not establish a briefing schedule with plaintiff in connection with Defendants’ Motion to Dismiss because it was referred to Your Honor after it was filed (*see* ECF No. 110), and we were at that time proceeding under Judge Torres’s Individual Practices.

In light of the foregoing, pursuant to Rule II.C. of Your Honor’s Individual Practices, the deadlines set by the Local Rules would govern both the Bouzy Defendants’ motion to dismiss and plaintiff’s motion for leave. In order to align them, since we expect the arguments on both motions to overlap substantially, we respectfully request that, in the interests of efficiency and judicial economy, the Court set a consolidated response deadline of Tuesday, March 14, 2023, (the current deadline under the Local Rules for filing a response to plaintiff’s motion for leave) and that we be authorized to file one combined brief of not more than 20 pages.

Magistrate Judge James L. Cott  
March 3, 2023  
Page 2

Finally, although we would, as a matter of course and consistent with the rules, consult with an opposing party about a briefing schedule, we ask for the Court to relieve us of doing so here, given that Plaintiff has (a) forcefully insisted that all “communication at this stage of the case should be on the docket,” *see* ECF No. 86 at 5, and (b) in fact sued undersigned counsel in this action over a prior attempt to confer with him before filing a motion, *see* ECF No. 107 at 15-18.

Thank you for your consideration of this matter.

Respectfully submitted,

BALLARD SPAHR LLP

By: /s/ Seth D. Berlin  
Seth D. Berlin (SB7978)  
Maxwell S. Mishkin (*pro hac vice*)

cc: All parties or counsel  
(via either ECF or electronic mail)